

FILED

NOT FOR PUBLICATION

FEB 16 2006

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

OLUMUYIWA OLA OLABANJI,

Defendant - Appellant.

No. 05-50015

D.C. No. CR-98-00406-GHK

MEMORANDUM^{*}

Appeal from the United States District Court
for the Central District of California
George H. King, District Judge, Presiding

Submitted February 13, 2006^{**}

Before: FERNANDEZ, RYMER, and BYBEE, Circuit Judges.

Olumuyiwa Ola Olabanji appeals from the district court's second revocation of supervised release and imposition of a 15-month term of imprisonment.

Counsel for Olabanji has filed a motion to withdraw as counsel under *Anders v.*

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

California, 368 U.S. 739 (1967), and a brief stating that she is unable to find any non-frivolous issues for review. No pro se supplemental brief or answering brief has been filed.

Counsel for Olabanji concedes that the appeal is moot because Olabanji has been released from custody. We agree. *See Spencer v. Kemna*, 523 U.S. 1, 8 (1998); *see also United States v. Tapia-Marquez*, 361 F.3d 535, 538 (9th Cir. 2004).

Accordingly, counsel's motion to withdraw is **GRANTED** and the appeal is **DISMISSED**.